



31 OCT 2005

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In re Application of  
Ueda et al.  
Application No.: 10/506,565  
PCT No.: PCT/JP02/07892  
Int. Filing Date: 02 August 2002  
Priority Date: 05 March 2002  
Attorney Docket No.: 05362.0038  
For: Antenna Coil

DECISION

This is a decision on the correspondence filed on 05 August 2005, which is being treated under 37 CFR 1.497(d).

### DISCUSSION

This international application was filed on 02 August 2002 and claimed a priority date of 05 March 2002. The United States was designated. Consequently, the thirty month period for payment of the basic national fee in the United States expired as of midnight on 07 September 2004, since 05 September 2004 was a Sunday and 06 September 2004 was a Holiday. On 03 September 2004, applicants filed *inter alia* the basic national fee.

On 10 February 2005, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an oath or declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(e).

### DISCUSSION

The declaration of the inventors filed on 05 August 2005 lists a joint inventor, Takahide KITAHARA, whose name does not appear in the published international application. The instant correspondence is being treated under 37 CFR 1.497(d). A declaration filed under 37 CFR 1.497 (d) must be by the actual inventor or inventors as required under 37 CFR 1.63 or as permitted by 37 CFR 1.42, 1.43 or 1.47. The declaration must be accompanied by (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part, (2) the processing fee set forth in 37 CFR 1.17; and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (See 37 CFR 3.73(b)). See Section 201.03 of the Manual of Patent Examining Procedure (M.P.E.P.).

Regarding requirement (1), applicants have provided an appropriate statement by Takahide Kitahara.

Regarding requirement (2), the required processing fee is being charged to counsel's Deposit Account No. 06-0916, as authorized by the Transmittal Letter filed on 03 September 2004.

Regarding requirement (3), the "Consent of Assignee..." document included among the instant correspondence suggests that SUMIDA Corporation and DENSO Corporation each enjoy an assignment interest in this application, "as indicated by the attached copy of an assignment executed by the originally named inventors as well as the newly added inventor." The document is signed by individuals on behalf of both DENSO and SUMIDA, and states that "Each of the undersigned also states that he has the authority to sign this consent on behalf of the assignee." Review of the application file and of electronic USPTO

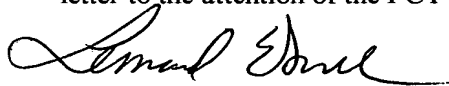
records reveals that no assignment documents appear to be present, nor has counsel identified where such documentation may be found within the records of the USPTO (e.g., by reel and frame number). As such, requirement (3) has not been satisfied. Applicant is advised that 37 CFR 3.73 will change on 25 November 2005. See 70 Fed. Reg. 56128, Sept. 26, 2005.

### CONCLUSION

The declaration is NOT ACCEPTED under 37 CFR 1.497(d), without prejudice.

If reconsideration on the merits of this matter is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Failure to timely reply will result in ABANDONMENT of this application. Any reconsideration request should include a cover letter entitled "Renewed Submission Under 37 CFR 1.497(d)". No additional processing fee is required.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the PCT Legal Office.



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